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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Louis WOO	
Serial No. 10/685,809	Art Unit: 3709
Filed: October 16, 2003	Examiner: Brittingham, John M.
For: DILATORS	Atty Docket: 0119/0017

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir

This is in response to the Office Action dated July 25, 2007.

Claims 1 and 4-12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the Ciaglia (2002/0066453) in view of Toye (US 4364391). And Claims 2-3 have been rejected as being obvious over Ciaglia and Toye, and further in view of Fisher (US4211234)

The Examiner concedes in paragraph 4 that Ciaglia ('453) fails to disclose a handle region of a dilator curved in an opposite sense but goes on to assert that Toye ('391) does disclose such a handle and draws attention to Figure 11 of Toye, stating that item 24 is such a handle. Item 24, however, is a syringe, and does not form any part of anything that could be regarded as a dilator. As seen clearly in Figure 11, the syringe 24 is used solely to inflate and deflate the sealing cuff 58 on the tube once the tube is in position in the trachea.[1] Even, however, if the syringe were to form a part of a dilator, it should be noted

[1] The Examiner has also misconstrued designations 44a and 24 as "surface formations" in rejecting claim 5. It should be noted that 44a in actuality designates a neck plate that allows the tracheostomy tube 54 to be attached to the neck of the patient via a strap